



PATENT
Attorney Docket No. 469443-00011
Attorney File No. A-67689-3/RFT/RMS/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

HORWITZ

Serial No.: 09/653,924

Filed: September 1, 2000

For: *Use of Cytokines, Cells and
Mitogens to Inhibit Graft
Versus Host Disease*

Group No. 1644

Examiner: Haddad, Maher M.

CERTIFICATE OF MAILING

I hereby certify that this correspondence and its listed enclosures are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date:

Signature:

September 4, 2003
Beverly A. Dynes
Beverly A. Dynes

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Mail Stop Amendment AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, **University of Southern California** (hereinafter "USC"), represents that it is the assignee of the entire right, title, and interest of

(1) the instant application, Serial No. 09/653,924, which claims the benefit of the filing date of provisional application 60/151,987, filed September 1, 1999; and is a continuation in part of Serial No. 09/261,890, filed March 3, 1999, now U.S. Patent No. 6,447,765; which claims the benefit of the filing date of provisional application 60/076,677, filed March 3, 1998; and,

(2) Serial No. 09/261,890, now U.S. Patent No. 6,447,765, issued September 10, 2002.

Written assignment proof for Serial No. 09/653,924, is recorded in the U.S. Patent and Trademark Office at Reel/Frame 011486/0508. Written assignment proof for Serial No. 09/261,890, now U.S. Patent No. 6,447,765, is recorded in the U.S. Patent and Trademark Office at Reel/Frame 010301/0235. Copies of the assignments are attached to this Terminal Disclaimer.

USC hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer of Serial No. 09/261,890, now U.S. Patent No. 6,447,765.

USC hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, USC does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of Serial No. 09/261,890, now U.S. Patent No. 6,447,765, as shortened by any terminal disclaimer, in the event that the patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner

terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the petitioner/assignee. The undersigned has reviewed the evidentiary documents in the chain of title of the present application identified above, and certifies that, to the best of assignee's knowledge and belief, title is in the assignee, USC.

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that willful, false statements may jeopardize the validity/enforceability of the application or any patent issued thereon.

Dated: August 27, 2003

By: Dennis E. Dougherty

Name: Dennis E. Dougherty

Title: Sr. V.P., Admin.

Institution: University of Southern California